

# Exhibit B

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21 **UNITED STATES DISTRICT COURT**  
 22 **NORTHERN DISTRICT OF CALIFORNIA**

23 BARBARA CALDWELL, on behalf of herself and  
 24 all others similarly situated,

25 Plaintiff,

26 v.

27 MATSUSHITA ELECTRIC INDUSTRIAL CO.,  
 28 LTD.; TOSHIBA CORPORATION; TOSHIBA  
 AMERICA, INC.; MT PICTURE DISPLAY CO.,  
 LTD.; SAMSUNG SDI CO., LTD.; LP  
 DISPLAYS INTERNATIONAL, LTD.; ROYAL  
 PHILIPS ELECTRONICS N.V.; and  
 CHUNGHWA PICTURE TUBES, LTD.,

Defendants.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, by her attorneys, brings this civil action for damages and injunctive relief on behalf of herself and all others similarly situated against the above-named Defendants, and demanding a trial by jury, complains and alleges as follows:

89714.3

CLASS ACTION COMPLAINT

**JURISDICTION AND VENUE**

1  
2 1. This complaint is filed under Section 16 of the Clayton Act  
3 (15 U.S.C. §26) to obtain injunctive relief for violations of Section 1 of the Sherman Act  
4 (15 U.S.C. §1), to recover damages under state antitrust and consumer protection laws, and  
5 to recover the costs of suit, including reasonable attorneys' fees, for the injuries that  
6 Plaintiff and all others similarly situated sustained as a result of the Defendants' violations  
7 of those laws.

8 2. The Court has jurisdiction over the federal claim under 28 U.S.C.  
9 §§1331 and 1337. The Court has jurisdiction over the state law claims under 28 U.S.C.  
10 §1367 because those claims are so related to the federal claim that they form part of the  
11 same case or controversy. The Court also has jurisdiction over the state law claims under  
12 28 U.S.C. §1332 because the amount in controversy for the Class exceeds \$5,000,000, and  
13 there are members of the Class who are citizens of a different state than the defendants.

14 3. Venue is proper in this District under 15 U.S.C. §22 and 28 U.S.C.  
15 §1391 because defendants reside, transact business, or are found within this District, and a  
16 substantial part of the events giving rise to the claims arose in this District.

17 4. The activities of the Defendants and their co-conspirators, as  
18 described herein, were within the flow of, were intended to, and did have a substantial  
19 effect on the foreign and interstate commerce of the United States.

20 **DEFINITIONS**

21 5. As used herein, the term Cathode Ray Tube ("CRT") means a  
22 specialized vacuum tube in which images are produced when an electron beam strikes a  
23 phosphorescent surface. CRTs are most commonly used in televisions and computer  
24 monitors.

25 6. As used herein, the term "Class Period" means the time period  
26 extending from at least January 1, 2005 through the present.

**THE PARTIES**

**The Plaintiff**

7. Plaintiff Barbara Caldwell, a Massachusetts resident, indirectly purchased a CRT (contained in a television) from one or more of the Defendants during the Class Period, for end use and not for resale, and was injured as a result of Defendants' illegal conduct.

**The Defendants**

8. Matsushita Electric Industrial Co., Ltd. ("Matsushita") is a business entity organized under the laws of Japan, with its principal place of business at 1006, Kadoma, Kadoma City, Osaka 571-8501, Japan. During the Class Period, Matsushita manufactured, sold and distributed CRTs to customers throughout the United States including under the brand names Panasonic and JVC.

9. Toshiba Corporation is a business entity organized under the laws of Japan, with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. During the Class Period, Toshiba Corporation manufactured, sold and distributed CRTs to customers throughout the United States.

10. Toshiba America, Inc. ("Toshiba America") is a wholly owned and controlled subsidiary of Defendant Toshiba Corporation. Toshiba America is a business entity organized under the laws of New York, with its principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, New York, 10020. During the Class Period, Toshiba America manufactured, sold and distributed CRTs to customers throughout the United States.

11. Toshiba Corporation and Toshiba America are referred to collectively herein as "Toshiba."

12. MT Picture Display Co., Ltd. ("MT Picture Display") is a joint venture between Defendants Matsushita and Toshiba. MT Picture Display is a business entity organized under the laws of Japan, with its principal place of business at 1-1, Saiwai-

1 cho, Takatsuki City 569-1193, Osaka, Japan. During the Class Period, MT Picture Display  
2 manufactured, sold and distributed CRTs to customers throughout the United States.

3 13. Samsung SDI Co., Ltd. ("Samsung SDI") is a business entity  
4 organized under the laws of South Korea, with its principal place of business at Samsung  
5 Life Insurance Building, 15-18th Floor, 150 Taepyung-ro 2-ga, Chung-gu, Seoul, Korea.  
6 During the Class Period, Samsung SDI manufactured, sold and distributed CRTs to  
7 customers throughout the United States.

8 14. LP Displays International, Ltd. ("LP Displays") is a business entity  
9 organized under the laws of Hong Kong, with its principal place of business at 6th Floor,  
10 ING Tower, 308 Des Voeux Road Central, Sheung Wan, Hong Kong, China. During the  
11 Class Period, LP Displays manufactured, sold and distributed CRTs to customers  
12 throughout the United States.

13 15. Royal Philips Electronics N.V. ("Royal Philips") is a business entity  
14 organized under the laws of the Netherlands, with its principal place of business at Breitner  
15 Center, Amstelplein 2, 1096 BC Amsterdam, The Netherlands. During the Class Period,  
16 Royal Philips manufactured, sold and distributed CRTs to customers throughout the United  
17 States.

18 16. Chunghwa Picture Tubes, Ltd. ("Chunghwa") is a business entity  
19 organized under the laws of Taiwan, with its principal place of business at 1127 Heping  
20 Road, Bade City, Taoyuan, Taiwan. During the Class Period, Chunghwa manufactured,  
21 sold and distributed CRTs to customers throughout the United States.

## 22 Co-Conspirators

23 17. Various others, presently unknown to Plaintiff, participated as co-  
24 conspirators with the Defendants in the violations of law alleged in this Complaint and have  
25 engaged in conduct and made statements in furtherance thereof.

26 18. The acts charged in this Complaint have been done by Defendants and  
27 their co-conspirators, or were authorized, ordered or done by their respective officers,  
28

agents, employees or representatives while actively engaged in the management of each Defendant's business or affairs.

19. Each of the Defendants named herein acted as the agent or joint venturer of or for the other Defendants with respect to the acts, violations and common course of conduct alleged herein.

#### CLASS ACTION ALLEGATIONS

20. Plaintiff brings this suit as a class action pursuant Rules 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure, on behalf of herself and a Plaintiff Class ("the Class") composed of and defined as follows:

All persons and entities residing in the United States who, from January 1, 2005 through the present, indirectly purchased CRTs manufactured by Defendants, and products containing CRTs manufactured by Defendants, in the United States for their own use and not for resale. Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action.

21. This action has been brought and may be properly maintained as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure for the following reasons:

- a. The Class is ascertainable and there is a well-defined community of interest among the members of the Class;
- b. Based upon the nature of the trade and commerce involved and the number of indirect purchasers of CRTs and products containing CRTs, Plaintiff believes that the members of the Class number in the thousands and are geographically dispersed across the country so that joinder of all Class members is not practicable; the identities of the members of the Class are not now known to

1 Plaintiff but can be readily learned from Defendants' books and records and through  
2 other means of notification;

3 c. Plaintiff's claims are typical of the claims of the members of the Class  
4 because Plaintiff indirectly purchased products containing CRTs from one or more  
5 of the Defendants or their co-conspirators, and therefore Plaintiff's claims arise from  
6 the same common course of conduct giving rise to the claims of the members of the  
7 Class and the relief sought is common to the Class;

8 d. The following common questions of law or fact, among others, exist  
9 as to the members of the Class: whether Defendants formed and operated a  
10 combination or conspiracy to fix, raise, maintain or stabilize the prices of, or  
11 allocate the market for, CRTs;

12 i. whether the combination or conspiracy caused CRT prices, and prices  
13 for products containing CRTs, to be higher than they would have been  
14 in the absence of Defendants' conduct;

15 ii. the operative time period of Defendants' combination or conspiracy;

16 iii. whether Defendants' conduct caused injury to the business or property  
17 of Plaintiff and the members of the Class;

18 iv. the appropriate measure of the amount of damages suffered by the  
19 Class;

20 v. whether Defendants' conduct violates Section 1 of the Sherman Act;

21 vi. whether Defendants' conduct violates the antitrust, unfair competition,  
22 and consumer protection laws of the states as alleged below; and

23 vii. the appropriate nature of class-wide equitable relief.

24 e. These and other questions of law or fact which are common to the  
25 members of the Class predominate over any questions affecting only individual  
26 members of the Class;

1           f. Plaintiff will fairly and adequately protect the interests of the Class in  
2 that Plaintiff has no interests that are antagonistic to other members of the Class and  
3 has retained counsel competent and experienced in the prosecution of class actions  
4 and antitrust litigation to represent herself and the Class;

5           g. A class action is superior to other available methods for the fair and  
6 efficient adjudication of this litigation since individual joinder of all damaged Class  
7 members is impractical. The damages suffered by individual Class members are  
8 relatively small, given the expense and burden of individual prosecution of the  
9 claims asserted in this litigation. Thus, absent the availability of class action  
10 procedures, it would not be feasible for Class members to redress the wrongs done  
11 to them. Even if the Class members could afford individual litigation, the court  
12 system could not. Further, individual litigation presents the potential for inconsistent  
13 or contradictory judgments and would greatly magnify the delay and expense to all  
14 parties and to the court system. Therefore, the class action device presents far fewer  
15 case management difficulties and will provide the benefits of unitary adjudication,  
16 economy of scale and comprehensive supervision by a single court;

17           h. Defendants have acted, and refused to act, on grounds generally  
18 applicable to the Class, thereby making appropriate final injunctive relief with  
19 respect to the Class as a whole; and

20           i. In the absence of a class action, Defendants would be unjustly  
21 enriched because they would be able to retain the benefits and fruits of their  
22 wrongful conduct.

23           22. The claims in this case are also properly certifiable under the laws of  
24 the individual states identified below in the Second and Third Claims for Relief.



**NATURE OF TRADE AND COMMERCE**

23. Throughout the Class Period, Defendants and their co-conspirators engaged in the business of marketing and selling CRTs, as well as products containing CRTs, throughout the United States.

24. The market for the manufacture and sale of CRT Products is conducive to the type of collusive activity alleged here. That market is oligopolistic in nature. For example, one defendant alone, Philips, noted in a May 16, 2006 press release that "LG.Philips Displays . . . produces one in every four television and computer monitor tubes sold." The other Defendants also all have significant market share.

25. Some of these companies are known antitrust violators. Samsung, for example, was fined \$300 million by the United States Department of Justice ("DOJ") in October of 2005 for participating in a conspiracy to fix prices for Dynamic Random Access Memory. It is also under investigation by the DOJ (along with some of the other Defendants) for fixing prices of Static Random Access Memory, Flash Memory, and Liquid Crystal Displays (LCDs).

26. The market for the manufacture and sale of CRTs is subject to high manufacturing and technological barriers to entry.

27. The CRT industry has also been subject to significant consolidation.

28. Defendants sell their CRTs through various channels including to manufacturers of electronic products and devices, and to resellers of CRTs. These electronic products and devices -- CRT Products -- are then sold, directly or indirectly, to consumers and are not altered during the course of sale.

29. California is the largest market in the world for CRT Products and is the worldwide center of the PC industry and other industries that depend upon the CRT market. Statements concerning the prices and market conditions for CRTs were disseminated by Defendants from and into California on a regular and continuous basis.

**DEFENDANTS' ILLEGAL CONDUCT**

30. Defendants and their co-conspirators have engaged in a contract, combination, trust or conspiracy, the effect of which was to raise the prices at which they sold CRTs to artificially inflated levels from at least January 1, 2005 through the present.

31. Very recently, antitrust enforcement authorities in multiple countries have begun investigating this unlawful cartel.

32. On November 8, 2007, the European Commission stated in a press release the following:

"The European Commission can confirm that on 8th November 2007 Commission officials carried out unannounced inspections at the premises of manufacturers of cathode ray tubes (CRTs). Cathode ray tubes are used in television sets and computer monitors. The Commission has reason to believe that the companies concerned may have violated EC Treaty rules on cartels and restrictive business practices (Article 81).

The Commission officials were accompanied by their counterparts from the relevant national competition authorities.

Surprise inspections are a preliminary step in investigations into suspected cartels . . ."

33. Also on November 8, 2007, the Associated Press news agency reported the following:

"Japan's antitrust officials searched a subsidiary of Matsushita Electric Industrial Co. on suspicion of forming an international cartel to fix prices for cathode-ray tubes for television, an official and media reports said Friday.

MT Picture Display Co., a 100 percent subsidiary of Matsushita, is suspected of fixing prices for CRTs with other manufacturers in South Korea, Taiwan and Hong Kong, Japanese business daily Nikkei reported Friday.

Antitrust officials in Japan, South Korea, the United States and the European Union have begun investigations, the paper said . . .

1 Japan's Fair Trade Commission conducted an on-sight [sic]  
 2 inspection of MT Picture Display Thursday, said Akira Kadota, a  
 3 spokesman for Matsushita, the Osaka-based maker of Panasonic-  
 brand products . . .

4 Nikkei said the companies including South Korea's Samsung SDI  
 5 are suspected of forming a cartel around 2005 to keep the price of  
 CRTs from falling, citing unnamed officials."

6 34. On November 8, 2007, the Bloomberg news agency further reported  
 7 the following:

8 "Japanese and European Union antitrust authorities carried out  
 9 raids at companies in the cathode-ray tube industry as part of a  
 price-fixing investigation . . . Japan's Fair Trade Commission  
 10 also began a probe of a joint venture between Matsushita Electric  
 Industrial Co. and Toshiba Corp., Munetsugu Takeda, a  
 11 spokesman for Matsushita, said by telephone . . .

12 Cathode-ray tubes are used in television sets and computer  
 monitors. Matsushita and Toshiba merged their cathode-ray tube  
 units to form Matsushita Toshiba Picture Display Co. in 2003.  
 13 The companies said at the time that the joint venture was the  
 14 world's third-largest maker of television tubes."

15 35. On November 9, 2007, the Agence France-Presse ("AFP") news  
 16 agency reported the following:

17 "South Korea's anti-trust watchdog has launched a probe into  
 18 Samsung SDI as part of an international investigation into alleged  
 19 price-fixing, officials said Friday.

20 The Fair Trade Commission is investigating allegations that  
 21 Samsung SDI colluded with foreign rivals to fix the prices of  
 cathode ray tubes (CRTs) for television.

22 "It is part of an international probe into alleged price-fixing this  
 23 week. We are cooperating with the Fair Trade Commission," a  
 24 Samsung SDI spokesman told AFP."

25 36. On November 12, 2007, Chunghwa announced via a filing with the  
 26 Taiwan Stock Exchange that it received a summons from the United States Department of  
 27 Justice relating to a CRT antitrust price-fixing investigation.

1           37. On November 16, 2007, *BNA's Antitrust & Trade Regulation* reported  
 2 that "Since 2005, [Japan Fair Trade Commission] sources alleged, MT Picture Display held  
 3 'tea parties' with Samsung and other manufacturers and exchanged information on picture  
 4 tube prices in Asia and Europe."

5           38. On November 21, 2007, Philips issued a press release and stated the  
 6 following:

7           "Competition law authorities in several jurisdictions have commenced  
 8 investigations into possible anticompetitive activities in the Cathode-  
 9 Ray Tubes, or CRT, industry. Royal Philips Electronics  
 10 (NYSE:PHG, AEX: PHH) today announced that, as one of the  
 11 companies that was active in the CRT business, it is subject to one or  
 12 more of these ongoing investigations."

13           39. Defendants, through their officers, directors and employees,  
 14 effectuated the aforesaid contract, combination, trust or conspiracy between themselves and  
 15 their co-conspirators by, among other things:

16           a. participating in meetings and conversations, including through various  
 17 trade associations and committees, to discuss the prices of CRTs in the United  
 18 States;

19           b. agreeing, during those meetings and conversations, to charge prices at  
 20 specified levels and otherwise to increase and maintain prices of CRTs sold in the  
 21 United States;

22           c. issuing price announcements and quotations in accordance with the  
 23 agreements reached; and

24           d. selling CRTs to various customers in the United States at non-  
 25 competitive prices.

#### 26           ACTIVE CONCEALMENT

27           40. Throughout and beyond the conspiracy, Defendants and their co-  
 28 conspirators affirmatively and actively concealed their unlawful conduct from Plaintiff and  
 the Class. Defendants and their co-conspirators conducted their conspiracy in secret and

1 kept it mostly within the confines of their higher-level executives. Defendants and their co-  
 2 conspirators publicly provided pre-textual and false justifications regarding their price  
 3 increases. Defendants and their co-conspirators conducted their conspiracy in secret,  
 4 concealed the true nature of their unlawful conduct and acts in furtherance thereof, and  
 5 actively concealed their activities through various other means and methods to avoid  
 6 detection. Plaintiff did not discover, and could not have discovered through the exercise of  
 7 reasonable diligence, that Defendants and their co-conspirators were violating the antitrust  
 8 laws as alleged herein until shortly before this class action litigation was commenced.

9 41. As a result of the active concealment of the conspiracy by Defendants  
 10 and their co-conspirators, any and all applicable statutes of limitations otherwise applicable  
 11 to the allegations herein have been tolled.

## 12 VIOLATIONS ALLEGED

### 13 First Claim for Relief

#### 14 (Violation of Section 1 of the Sherman Act)

15 42. Plaintiff incorporates and re-alleges, as though fully set forth herein,  
 16 each and every allegation set forth in the preceding paragraphs of this Complaint.

17 43. Beginning at a time presently unknown to Plaintiff, but at least as  
 18 early as January 1, 2005 and continuing through the present, the exact dates being unknown  
 19 to Plaintiff, Defendants and their co-conspirators entered into a continuing agreement,  
 20 understanding, and conspiracy in restraint of trade to artificially raise, fix, maintain, and/or  
 21 stabilize prices for CRTs in the United States, in violation of Section 1 of the Sherman Act  
 22 (15 U.S.C. §1).

23 44. In formulating and carrying out the alleged agreement, understanding,  
 24 and conspiracy, the Defendants and their co-conspirators did those things that they  
 25 combined and conspired to do, including but not limited to the acts, practices, and course of  
 26 conduct set forth above, and the following, among others:

27 a. To fix, raise, maintain and stabilize the price of CRTs;

- 1           b.     To allocate markets for CRTs among themselves;
- 2           c.     To submit rigged bids for the award and performance of certain
- 3           contracts for CRTs; and
- 4           d.     To allocate among themselves and collusively reduce the production
- 5           of CRTs.

6           45.    The combination and conspiracy alleged herein has had the following

7   effects, among others:

- 8           a.     Price competition in the sale of CRTs has been restrained,
- 9           suppressed, and/or eliminated in the United States;
- 10          b.     Prices for CRTs sold by Defendants and their co-conspirators have
- 11          been fixed, raised, maintained and stabilized at artificially high, non-competitive
- 12          levels throughout the United States; and
- 13          c.     Those who purchased CRTs and products containing CRTS, directly
- 14          or indirectly, from Defendants and their co-conspirators have been deprived of the
- 15          benefits of free and open competition.

16          46.    Plaintiff and the Class have been injured and will continue to be

17   injured in their business and property by paying more for CRTs, and products containing

18   CRTs, purchased indirectly from the Defendants and their co-conspirators than they would

19   have paid and will pay in the absence of the combination and conspiracy, including paying

20   more for televisions and computer monitors and other products in which CRTs are a

21   component as a result of higher prices paid for CRTs by the manufacturers of those

22   products.

23          47.    Plaintiff and the Class are entitled to an injunction against Defendants,

24   preventing and restraining the violations alleged herein.

**Second Claim for Relief**

**(Violation of State Antitrust and Unfair Competition Laws)**

48. Plaintiff incorporates and re-alleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

49. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Arizona Revised Stat. §§44-1401 *et seq.*

50. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of California Bus. & Prof. Code §§16700 *et seq.* and Cal. Bus. & Prof. Code §§17200 *et seq.*

51. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of District of Columbia Code Ann. §§28-4503 *et seq.*

52. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Hawaii Rev. Stat. §§480-1 *et seq.*

53. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Iowa Code §§553.1 *et seq.*

54. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Kansas Stat. Ann. §§50-101 *et seq.*

55. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Maine Rev. Stat. Ann. 10, §§1101 *et seq.*

56. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Michigan Comp. Laws. Ann. §§445.773 *et seq.*

57. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Minnesota Stat. §§325D.52 *et seq.*

58. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Mississippi Code Ann. §75-21-1 *et seq.*

59. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Montana Code Ann. §§30-14-205 *et seq.*

60. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Nebraska Rev. Stat. §§59-801 *et seq.*

61. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Nevada Rev. Stat. Ann. §§598A *et seq.*

62. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of New Mexico Stat. Ann. §§57-1-1 *et seq.*

63. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of North Carolina Gen. Stat. §§75-1 *et seq.*

64. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of North Dakota Cent. Code §§51-08.1-01 *et seq.*

65. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of the Pennsylvania common law.

66. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of South Dakota Codified Laws Ann. §§37-1 *et seq.*

67. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Tennessee Code Ann. §§47-25-101 *et seq.*

68. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of West Virginia §§47-18-1 *et seq.*

69. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Wisconsin Stat. §§133.01 *et seq.*

70. By reason of the foregoing, Defendants have entered into agreements in restraint of trade in violation of Wyoming Stat. Ann. §§40-4-101 *et seq.*

71. Class members in each of the states listed above paid *supra-* competitive, artificially inflated prices for CRTs and products containing CRTs. As a direct and proximate result of Defendants' unlawful conduct, such members of the Class have been injured in their business and property in that they paid more for CRTs and products



1 containing CRTs than they otherwise would have paid in the absence of Defendants'  
 2 unlawful conduct.

### 3 Third Claim for Relief

#### 4 (Violation of State Consumer Protection and Unfair Competition Laws)

5 72. Plaintiff incorporates and re-alleges, as though fully set forth herein,  
 6 each and every allegation set forth in the preceding paragraphs of this Complaint.

7 73. Defendants engaged in unfair competition or unfair, unconscionable,  
 8 deceptive or fraudulent acts or practices in violation of the state consumer protection and  
 9 unfair competition statutes listed below.

10 74. Defendants have engaged in unfair competition or unfair or deceptive  
 11 acts or practices in violation of California Bus. & Prof. Code §17200 *et seq.*

12 75. Defendants have engaged in unfair competition or unfair or deceptive  
 13 acts or practices in violation of Florida Stat. §501.201 *et seq.*

14 76. Defendants have engaged in unfair competition or unfair or deceptive  
 15 acts or practices in violation of Nebraska Rev. Stat. §59-1601 *et seq.*

16 77. Defendants have engaged in unfair competition or unfair or deceptive  
 17 acts or practices in violation of New Hampshire Rev. Stat. §358-A:2 *et seq.*

18 78. Defendants have engaged in unfair competition or unfair or deceptive  
 19 acts or practices in violation of New York Gen. Bus. Law §349 *et seq.*

20 79. Defendants have engaged in unfair competition or unfair or deceptive  
 21 acts or practices in violation of 9 Vermont §2451 *et seq.*

22 80. Class members in the states listed above paid supra-competitive,  
 23 artificially inflated prices for products containing CRTs. As a direct and proximate result of  
 24 Defendants' unlawful conduct, Plaintiff and the Class have been injured in their business  
 25 and property in that they paid more for products containing CRTs than they otherwise  
 26 would have paid in the absence of Defendants' unlawful conduct.

**Fourth Claim for Relief**

**(Unjust Enrichment and Disgorgement of Profits)**

81. Plaintiff incorporates and re-alleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

82. Defendants have been unjustly enriched through overpayments by Plaintiff and Class members and the resulting profits.

83. Under common law principles of unjust enrichment, Defendants should not be permitted to retain the benefits conferred via overpayments by Plaintiff and Class members.

84. Plaintiff seeks disgorgement of all profits resulting from such overpayments and establishment of a constructive trust from which Plaintiff and Class may seek restitution.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays:

1. That the Court determine that the Sherman Act, state antitrust law, and state consumer protection and/or unfair competition law claims alleged herein may be maintained as a class action under Rule 23(a), (b)(2), and (b)(3) of the Federal Rules of Civil Procedure;

2. That the unlawful conduct, contract, conspiracy or combination alleged herein be adjudged and decreed to be:

a. a restraint of trade or commerce in violation of Section 1 of the Sherman Act, as alleged in the First Claim for Relief;

b. an unlawful combination, trust, agreement, understanding, and/or concert of action in violation of the state antitrust laws identified in the Second Claim for Relief herein;

c. violations of the state consumer protection and unfair competition laws identified in the Third Claim for Relief herein; and

1           d.       acts of unjust enrichment as set forth in the Fourth Claim for Relief  
2       herein.

3           3.       That Plaintiff and the Class recover damages, as provided by state  
4       laws, and that a joint and several judgment in favor of Plaintiff and the Class be entered  
5       against the Defendants in an amount to be trebled in accordance with such laws as  
6       appropriate;

7           4.       That Defendants, their affiliates, successors, transferees, assignees,  
8       and the officers, directors, partners, agents, and employees thereof, and all other persons  
9       acting or claiming to act on their behalf, be permanently enjoined and restrained from in  
10      any manner: (1) continuing, maintaining, or renewing the conduct, contract, conspiracy or  
11      combination alleged herein, or from entering into any other conspiracy alleged herein, or  
12      from entering into any other contract, conspiracy or combination having a similar purpose  
13      or effect, and from adopting or following any practice, plan, program, or device having a  
14      similar purpose or effect; and (2) communicating or causing to be communicated to any  
15      other person engaged in the sale of CRTs, information concerning bids of competitors;

16          5.       That Plaintiff be awarded restitution, including disgorgement of  
17      profits obtained by Defendants as a result of their acts of unfair competition and acts of  
18      unjust enrichment;

19          6.       That Plaintiff and the Class be awarded pre- and post-judgment  
20      interest, and that that interest be awarded at the highest legal rate from and after the date of  
21      service of the initial complaint in this action;

22          7.       That Plaintiff and the Class recover their costs of this suit, including  
23      reasonable attorneys' fees as provided by law; and

24          8.       That Plaintiff and the Class have such other, further, and different  
25      relief as the case may require and the Court may deem just and proper under the  
26      circumstances.

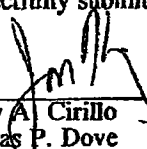
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1 Dated: December 13, 2007

2 Respectfully submitted,

3  
4 By:

  
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**JURY TRIAL DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff  
demands a trial by jury for all issues so triable.

Dated: December 13, 2007

Respectfully submitted,

By: \_\_\_\_\_

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